IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No.2844 of2006

M/s Rohit Enterprises ..Petitioner

vs.

Assistant Registrar Coop.
Societies and others ..Respondents

Dr.Vinayak Y.Choudhari for petitioner
Shri V.C.Ghosalkar for respondent no.2.

CORAM: S.B.MHASE J.
5th May, 2006

P.C.

1. This petition is a best example for haunting the forums. The first petition was filed bearing No.2244 of 2002 which was decided Rebello J. on 11th April, 2002 and the said petition was dismissed. Thereafter another petition was filed bearing No.1170 of 2003 on Original Side of this Court. It was decided by A.M.Khanwilkar J. on 22nd March, 2004. It was rejected. The said order was challenged by filing an appeal bearing Lodging No.205 of 2004 before the Division Bench of this Court. Division Bench has found that there is alternative remedy under sec.154 of the Maharashtra Cooperative Societies Act. However, it appears that in order dated 11th April, 2002 the petitioner was permitted to deposit 50% of the recoverable dues and to proceed to decide the revision application. That revision application was not preferred. Under these circumstances, making the observation about the revision application the appeal was dismissed by the Division Bench. Thereaftrer the present petitioner should have approached under sec.154

to the Registrar and/or State Government. Instead the present petition has been filed challenging the same order. I only observe that this is a misuse of the process of law at the hands of the petitioner. In fact for filing the revision application under sec.154 as there is statutory requirement of deposit of 50% of the amount the petitioner instead of filing such revision is again and again trying his luck by filing the petitions on either Original Side of this Court or on Appellate Side or taking the matter to the Division Bench and even if the Division Bench disposed of the appeal the present petition has been filed. Under these circumstances the petition is dismissed. However, the cost of Rs.10,000/- is imposed on the petitioner.

(S.B.MHASE J.)